

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASEY INVESTIGATORS LLC, a Washington
Limited Liability Company, and MARIO A.
TORRES, an individual,

Plaintiffs,

v.

PRONTO PROCESS SERVICE, INC., a
Washington corporation; NORTHWEST RAIL
ENTERPRISES, INC., a Washington
corporation; MARK OWENS, an individual;
GREGORY and MARY LEE RUSTAND,
individually and as a married couple; DIANE
PEFLEY, an individual; A to Z LEGAL
SUPPORT SERVICES, a Washington business
entity; ROBERT G. LACK, an individual;
WASHINGTON STATE PROCESS SERVERS
ASSOCIATION, a Washington business
association; and NATIONAL ASSOCIATION
OF PROFESSIONAL PROCESS SERVERS, a
national business association,

Defendants.

The Honorable John C. Coughenour

Case No. CV04-1453 C

**DECLARATION OF ERIC VENNES
IN SUPPORT OF WASHINGTON
STATE PROCESS SERVERS
ASSOCIATION'S MOTION FOR
SUMMARY JUDGMENT**

I, Eric Vennes, declare and state as follows:

1. I am over the age of eighteen, not a party to this action, and have personal knowledge of the facts contained in this Declaration. I am competent to testify as to the facts provided below.

DECLARATION OF ERIC VENNES IN SUPPORT
OF WSPSA'S MOTION FOR SUMMARY JUDGMENT
Case No. CV04-1453 C
Seattle:34757.1 048501.1002

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1 2. I am the current Executive Director of the Washington State Process Servers
2 Association ("WSPSA").

3 3. WSPSA is a non-profit incorporated association consisting of individuals who
4 work in the private investigator and process serving businesses.

5 4. For 15 years, I owned and operated a process service called NW Legal Support,
6 Inc. I recently sold the business.

7 5. I have been a Member of WSPSA for 13 years.

8 6. Defendant Robert Lack is not and never has been a member of WSPSA.

9 7. Defendants Diane Pefley and Mark Owens were not WSPSA officers or directors
10 at the time of their alleged actions in this matter.

11 8. In my role as WSPSA Executive Director, as a long-time member of WSPSA, and
12 as a former owner and operator of a process service company, I am familiar with both WSPSA as
13 well as the business practices of many WSPSA members.

14 9. WSPSA provides educational services to its members, such as information on the
15 proper service of process.

16 10. WSPSA publishes a directory containing the names and contact information of its
17 members. WSPSA has both in-state and out-of-state members. WSPSA members' clients
18 sometimes request that process be served in a geographical area in Washington state, or outside
19 the state, that the WSPSA member does not serve. In those circumstances, the WSPSA directory
20 is an excellent referral source because it contains the names and contact information of WSPSA
21 member process servers both in Washington state and other states. A national organization, the
22 National Association of Professional Process Servers ("NAPPS"), which some WSPSA members
23
24
25
26

1 also belong to, and which was previously named as a defendant in this action, also publishes a
2 similar directory which is an excellent source to obtain contact information and referrals for
3 service outside of Washington state. Of course, the Yellow pages and the internet are other
4 sources to locate process servers. Indeed, Torres' business, Casey Investigations, is listed in the
5 Seattle Metro DEX yellow pages even though his business is located in the Tri-Cities,
6 Washington area. Attached as Exhibit 1 to my Declaration is a copy of the DEX yellow page
7 section for process servers in Seattle which includes Torres' company. In my experience, when
8 a company such as Casey Investigations advertises services in an area in which they do not have
9 an office, they generally refer the work to a local process service company, and add a fee to the
10 amount charged by the local process company when billing the client, or they retain individual
11 process services in that area to whom they direct the process to be served and, again, add to their
12 client's bill a small amount in addition to the amount charged by the individual process server,
13 That is how the process company earns a profit on work they did not personally serve.
14

15
16 11. When I operated NW Legal Support, Inc., there were many occasions when I used
17 a non-WSPSA member to serve process in a geographic area that I did not serve. Sometimes the
18 reason I used a non-WSPSA member was because I obtained a lower price from them.
19 Sometimes I used a non-WSPSA member even though a WSPSA member served the same
20 geographic area because I had used the non-WSPSA member in the past and had gotten good
21 results. I did not always use WSPSA members and I know many WSPSA members who use
22 non-WSPSA members to serve process.
23

24 12. The process service business is a volume, location and price-driven business. For
25 example, by location I mean that the more remote a geographic area, the more costly it is to serve
26

1 process. It is also a volume driven business because the more volume a client is willing to
2 provide, the lower the price a process server may be willing to charge in order to obtain the
3 business. The primary advantage that the WSPSA member gains by utilizing a WSPSA member
4 listed in the WSPSA directory or by utilizing a NAPPS member in the NAPPS directory is *not*
5 price but (a) the ability to quickly locate a process server in the desired area that a client needs;
6 and (b) if there is a dispute over payment or the service provided, WSPSA and NAPPS provide a
7 dispute resolution process that the WSPSA or NAPPS member would not have the ability to
8 utilize if they had a dispute with a non-member.
9

10 13. Some WSPSA members prefer using a WSPSA or NAPPS member for the
11 reasons stated in paragraph 11 above, rather than randomly plucking a name from the internet
12 and entrusting the client's process to an unknown process service. I am aware, however, of some
13 WSPSA members whose primary concern is the "bottom line," and finding a process server with
14 the cheapest price, which may or may not be provided by a WSPSA or NAPPS member.
15

16 14. I am aware of Mr. Torres' allegation that some WSPSA members charge WSPSA
17 members a certain price and non-WSPSA members a different price to serve process. I am not
18 aware of that practice. I am also aware that Mr. Torres alleges a dual pricing scheme was
19 included on WSPSA's website. I have never seen that on the WSPSA website. I have spoken
20 with Mr. Matt Vrabilik, WSPSA's website coordinator who is responsible for all WSPSA
21 website content, who lacks knowledge that any such pricing schedule was ever contained on the
22 WSPSA website.
23

24 15. I am aware of Mr. Torres' allegation that WSPSA members are not allowed to
25 charge more for the service of process in their area than is being charged in the referring
26

1 member's area. I have never heard of such a practice, nor would that make good business sense.
 2 As explained above, price is driven by volume as well as location. It is more difficult and costly
 3 to serve process in a remote Washington county than in an urban center such as Seattle. The
 4 alleged arrangement Torres describes would make no sense from a business standpoint because a
 5 process server in a remote county has to charge a higher price because of the mileage and time
 6 involved to serve process and therefore would have no incentive, and in fact would lose money,
 7 if they agreed to charge a lower Seattle price for process. Price is not determined by WSPSA
 8 membership, it is determined by the cost associated with serving process.
 9

10 16. I am likewise aware of Mr. Torres' allegation that WSPSA members prefer to use
 11 more "senior" WSPSA members over non-WSPSA members or "junior" WSPSA members.
 12 WSPSA has no such classification system. Again, I am unaware of any such practice. It is,
 13 however, likely that longstanding WSPSA members are better known in the industry simply
 14 because they have been in business longer, and thus individuals know their reputation. It is
 15 harder at first for a newer company to get their name out. Indeed, that is one benefit of joining
 16 WSPSA and NAPPS because they provide a membership directory and the ability to network
 17 with other process servers. I am unaware, however, of any WSPSA member that chooses to use
 18 an individual because they are a "senior" WSPSA member, nor do I have any reason to believe
 19 such a practice exists.
 20
 21

22 I declare under penalty of perjury according to the laws of the State of Washington that
 23 the foregoing is true and correct.
 24

25 Dated this 25th day of March, 2005.
 26

DECLARATION OF ERIC VENNES IN SUPPORT
 OF WSPSA'S MOTION FOR SUMMARY JUDGMENT
 Case No. CV04-1453 C


 H. ERIC VENNES

JAMES G. ZISSLER
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EXHIBIT 1

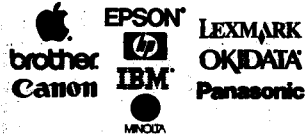
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